

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

FLAME S.A.,

Plaintiff,

GLORY WEALTH SHIPPING PTE. LTD.,

Consolidated Plaintiff,

v.

Civil Action No.: 2:13-cv-00658-RGD-LRL  
2:13-cv-00704-RGD-LRL

INDUSTRIAL CARRIERS, INC.,  
VISTA SHIPPING, INC., and  
FREIGHT BULK PTE. LTD. and  
VIKTOR BARANSKIY,

Defendants.

**DECLARATION OF SUBSTITUTE CUSTODIAN**

I, Alan Swimmer, declare under the penalty of perjury that the following is true and correct:

1. I am the President of National Maritime Services, which is serving as Substitute Custodian for the M/V CAPE VIEWER (the “Vessel”) in this action and am fully familiar with the facts of this case.

2. On November 22, 2013, plaintiff Flame S.A. (“Plaintiff”) filed a Verified Complaint seeking a writ of maritime attachment and garnishment against defendants Industrial Carriers, Inc. (“ICI”), Vista Shipping, Inc. (“Vista”), and Freight Bulk Pte. Ltd. (“FBP”) (collectively “Defendants”). (Dkt. # 1).

3. The Vessel was attached pursuant to an Order authorizing issuance of process of maritime attachment and garnishment on November 22, 2013 in the amount of USD \$21,000,000.00. (Dkt. # 7).

4. The Court issued an Order for appointment of substitute custodian on November 22, 2013, directing the United States Marshal to transfer custody of the Vessel following her attachment to the substitute custodian National Maritime Services. (Dkt. # 8).

5. The Vessel is currently in the custody of National Maritime Services in the District of Virginia.

6. The services performed by National Maritime Services are furnished to the Vessel in accordance with this Court's Order for appointment of substitute custodian. (Dkt. # 8).

7. The total amount billed to date by National Maritime Services is USD \$110,330.00, for custodian services and the supply of fresh water and removal of sewage and garbage required to maintain the Vessel during the period from November 28, 2013 through February 13, 2014. A copy of National Maritime Services invoice is annexed hereto as Exhibit 1.

8. The Vessel is currently due to run out of food at the end of February 2014, and will run out of fresh water and fuel in less than one week.

9. National Maritime Services has arranged for the supply of additional fresh water, provisions and fuel, which will be delivered to the Vessel on or about February 17 – 20, 2014.

10. A copy of Aegean Bunkering (USA) LLC's bunker invoice in the amount of \$117,980.00 is annexed hereto as Exhibit 2.

11. A copy of the Peltz Marine invoice for provisions in the amount of \$10,040.81 is annexed hereto as Exhibit 3.

12. The total amount billed to date for maintenance of the Vessel is \$238,350.81.

13. We have provided a copy of these invoices to Plaintiff's counsel.

14. To date, Plaintiff has paid \$39,470.00 and has arranged to wire transfer the remaining amounts due and owing in order to maintain the Vessel.

Pursuant to 28 U.S.C. §1746, I solemnly declare under penalty of perjury that the foregoing is true and correct.



The image shows a handwritten signature in blue ink, which appears to read "Alan Swimmer". Below the signature, there is printed text: "Alan Swimmer" on the first line and "National Maritime Services" on the second line.

Alan Swimmer  
National Maritime Services